IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 335 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AHMED @ BHURIYO KASAM CHAUHAN

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 335 of 2003

MS KRISHNA U MISHRA for Petitioner No. 1

MR RM PARMAR APP for Respondents.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 05/05/2003

ORAL JUDGEMENT

1. Rule. Mr. R.M. Parmar appears and waives service of notice of Rule on behalf of the respondents.

Heard learned counsel for the parties.

2. This petition is preferred for releasing the petitoner on parole leave for a period of four weeks on the ground that the petitoner is suffering from Heard disease.

2. Learned A.P.P. has produced medical certificate dated 29-4-2003 issued by the Medical officer, Central Jail, Vadodara. He has submitted for that purpose that some application was moved by the petitioner before the learned District Vadodara and that application has already been rejected by the Addl. District Magistrate, Vadodara due to adverse police opinion against the petitioner that there is possibility of breach of order.

3. In the facts and circumstances of the case and the submissions made by the learned A.P.P. as well as the material on record, this petition deserves to be allowed. Accordingly, this petition is allowed and the petitioner is ordered to be released on parole leave for a period of 15 days from the date of actual release, on usual terms and conditions. Rule is made absolute. D.S. is permitted.

(Kundan Singh, J.)

/JVSatwara/